

### **Remarks**

This is in response to the Final Office Action mailed on February 14, 2008. Claims 18, 22, 28, and 32-55 are pending in this application and were rejected. Claims 38, 44, and 50 are presently amended, and Claims 56-61 are newly added. In light of the amendments and the arguments and comments below, reconsideration and allowance of the present application are respectfully requested.

#### **Rejection Under 35 U.S.C. §112, second paragraph**

Claims 18, 22, 28 and 32-55 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Office Action stated that independent claims 38, 44, and 50 omitted essential steps amounting to a gap between the claimed step elements. As detailed above, independent claims 38, 44, and 50 are presently amended to clarify the scope of the claimed invention, and steps previously labeled (c)-(d) have been amended to more clearly recite the relationship between the planning, matching, and scheduling actions within the claimed invention. Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

#### **Rejection Under 35 U.S.C. §103**

Claims 18, 22, 28, 32-38, 40-44, 46-50, and 52-55 were rejected under 35 U.S.C. §103(a) as being unpatentable over Sekizawa (U.S. Patent No. 6,430,711) in view of Peterson et al. (U.S. Patent No. 6,324,522). Claims 39, 45, and 51 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Sekizawa in view of Peterson et al. and in further view of Haluska (U.S. Patent No. 5,638,519). Applicant respectfully submits that the cited references, each alone or in combination, do not teach or suggest each and every limitation of the amended claims.

Claims 38, 44, and 50 have been amended to more clearly recite that a manufacturer is the entity providing notices for recommended maintenance and service, and a service provider is the entity providing requests for maintenance and service. Additionally, the e-commerce supply chain manager is now recited as managing numerous entities within an extensive e-commerce supply chain environment. As recited in the claims, the e-commerce supply manager is also

responsible for managing demand and supply planning, order management and fulfillment, asset management, maintenance and service scheduling, inventory management, and distribution logistics for entities within the e-commerce supply chain environment. The existence of a supply chain environment containing management of each of these functions is not taught or suggested in any of the cited references.

Additionally, the amended claims now expressly recite actions performed by manufacturers and service providers in the supply chain environment, which further distinguishes the claimed invention from a consumer "after-sales service" disclosed in Sekizawa (See Sekizawa, Col. 4). Instead, the e-commerce supply chain environment of the claimed invention is able to facilitate useful maintenance and service actions between manufacturers and service providers, specifically the actions of receiving maintenance and scheduling notices, receiving maintenance and scheduling requests, planning demand and supply of offerings, monitoring matching requests and offers for maintenance and service, managing a maintenance and service schedule, transmitting a managed schedule, tracking the requests, notices, and schedule, and performing the maintenance and service according to the schedule. Each and every of these claimed features are not taught or suggested by the combination of the cited references.

The amended claims also recite the claimed feature of monitoring the availability of the plurality of manufacturers to perform maintenance and service within the supply chain environment, and additionally, tracking is performed on the notices and requests which have been issued in order to track the progress of initiating the maintenance and service within a network tracking interface. Each of these claimed monitoring and tracking features are not taught or suggested in the combination of the cited references. Specifically, there is no mention made within either reference regarding monitoring the availability of an entity, particularly a manufacturing entity, to perform this specific action within the recited environment.

Similarly, the newly added feature reciting tracking the managed schedule and tracking the progress of completing scheduled maintenance and service through a network tracking interface is not taught or suggested by the cited references. This interface and the tracking of progress of completing the scheduled maintenance (i.e., tracking the status of the schedule) within the claimed invention is distinguishable from obtaining basic "status information" of

currently existing problems (Cf. Sekizawa, Col. 7, lines 36-50, Col. 8, lines 8-36). Moreover, neither of the cited references teach nor suggest the existence of any interface to access the tracked progress of completing the scheduled maintenance and service.

Dependent claims 59-61 are newly added to recite the features of monitoring the progress of the plurality of manufacturers in completing scheduled maintenance and service utilizing the network, adjusting the schedule according to the progress of the plurality of manufacturers, and transmitting the adjustments to the schedule to the plurality of manufacturers and the plurality of service providers of the utilizing the network. These actions occurring in response to the progress of the manufacturer enable a more accurate and automated system of providing service and maintenance. Applicant submits that not only is the claimed maintenance schedule between a manufacturer and a service provider not fully taught or suggested within the cited references, but additionally, the cited references fail to teach or suggest adjustments to a managed schedule and transmission of the adjusted schedule to manufacturers and service providers.

Dependent claims 56-58 are also newly added to recite the limitation that the manufacturer is a network bandwidth provider and the service provider is a network bandwidth distributor. These dependent claims provide for an exemplary use of the claimed invention in a network telecommunications setting, a setting that is extensively disclosed throughout the specification of the present invention.

Accordingly, because the combination of the cited references fails to teach or suggest each and every limitation of the amended claims, Applicant respectfully asserts that a prima facie case of obviousness has not been established and that these claims are allowable. Further, because claims 18, 22, 28, 32-37, 39-43, 45-49, and 51-61 depend either directly or indirectly from independent claims 38, 44, and 50, these dependent claims are also allowable as depending from allowable claims. Applicant respectfully requests that the rejection of all claims under § 103(a) be withdrawn.

### **Conclusion**

Applicant submits that for at least the reasons stated above, all pending claims are allowable over the art of record and respectfully requests reconsideration and that a Notice of Allowance be issued in this case. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (612) 607-7345. If

Serial #: 09/444,889

In reply to Final Office Action mailed February 14, 2008

Page 15 of 15

any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-336701).

Respectfully submitted,



---

Robert M. Hirning, Reg. No. 59,215  
Customer No. 29838

OPPENHEIMER WOLFF & DONNELLY LLP  
45 South Seventh Street, Ste. 3300  
Minneapolis, MN 55402  
Phone: (612) 607-7345  
Fax: (612) 607-7100  
Email: [rhirning@oppenheimer.com](mailto:rhirning@oppenheimer.com)